

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14276US02)

In the Application of:

Jeyhan Karaoguz

Serial No. 10/675,382

Filed: September 30, 2003

For METHOD AND SYSTEM FOR
MEDIA PROCESSING
PROVIDING ACCESS TO
DISTRIBUTED MEDIA VIA A
CHANNEL GUIDE

Examiner: Langhnoja, Kunal N.

Group Art Unit: 2427

Confirmation No. 6840

Electronically Filed on February 9, 2010

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 41.41, the Appellant submits this Reply Brief in response to the Examiner's Answer mailed on December 8, 2009 ("Examiner's Answer"), with a reply period through February 8, 2010. Claims 1-31 are pending in the present Application. The Appellant has responded to the Examiner in the Examiner's Answer, as found in the following Arguments section.

As may be verified in the Final Office Action (pages 2-8), dated April 7, 2009 ("Final Office Action"), claims 1-3, 6-9, 11-13, 16-19, 21-23, 26-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,219,839 ("Sampsell") in view of USPP 2002/0104099 ("Novak"). Claims 4, 5, 10, 14, 15, 20, 24, 25 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampsell and Novak in view of USPP 2002/0053081 ("Griggs").

To aid the Board in identifying corresponding arguments, the Appellant has used the same headings in the Argument section of this Reply Brief as the headings found in the Appellant's corresponding Appeal Brief. The Appeal Brief has a date of deposit of September 10, 2009.

STATUS OF THE CLAIMS

Claims 1-31 were finally rejected. Pending claims 1-31 are the subject of this appeal.

ARGUMENTS

REJECTION UNDER 35 U.S.C. § 103

I-A. Independent Claims 1, 11 and 21

The Appellant stands by the arguments made in the corresponding section of the Appeal Brief. Namely, the combination of Sampsell and Novak does not disclose or suggest at least the limitation of “constructing at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media,” as recited in Appellant's claim 1.

The Appellant argued the following (see Appeal Brief in page 16):

“...However, the Appellant points out that since Sampsell **does not disclose or suggest** that the ERG view (the alleged “display view at the first geographical location”), or any portion of the content from the peripheral device (the alleged “detected available media”), **would be communicated outside the host location, Sampsell therefore is not a combinable reference to be used to reject Appellant's claim 1.**”

The Examiner states the following response (see Examiner's Answer in pages 10- 12):

“...In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.1986). Furthermore, appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining

or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, **Sampsell et al teaches receiver 12 in conjunction with user interface, which gathers available media from plurality of different peripheral devices (VCR #1, VCR #2, DVD, Laser disc). All the available media from different devices are integrated into a electronic program guide** (Abstract; Figs. 1 & 9; col.2, lines 19-27; col.3, lines 7-15; colA, lines 5-16; col.5, lines 11-20; col. 7, lines 11-18, col.9, lines 53-61). In similar field of endeavor, **Novak et al teaches constructing an electronic program guide with media object (i.e. personal video clips, pictures, etc.)** (Figures 7-8; Paragraph 0062-64). Wherein, **an individual is able to upload media objects, create schedule information, and edit description of the uploaded objects**. Once user is done, he/she can press send/save button 712 to save/send settings to website/server via set-top box, PC or other access device (Paragraph 0067). The end user 152, can access Joe's TV channel in similar fashion as regular television programming (Paragraph 0069). Consequently, **Novak et al teaches the process of creating electronic program guide with media objects (i.e. at the first location), which is accessed by the end user(s) (i.e. second location)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sampsell et al with Novak et al, the combination, to teach detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location; constructing at said first geographical location, at least one display view for display at a second geographical location, said at least one display view indicating the availability of said detected available media.

Appellant argues Sampsell et al and Novak et al, the combination does not teach claimed limitation communicating at least a portion of said available media from said first geographic location to said second geographic location, as recited in claim 1. The examiner respectfully disagrees. The combination teaches receiver 12 in conjunction with user interface, which gathers available media from plurality of different peripheral devices (VCR #1, VCR #2, DVD, Laser disc). All the available media from different devices are integrated into a electronic

program guide (Sampsell: Abstract; Figs. 1 & 9; col.2, lines 19-27; col.3, lines 7-15; col.4, lines 5-16; col.5, lines 11-20; col. 7, lines 11-18, col.9, lines 53-61). In addition, the combination teaches an individual is able to upload media objects, create schedule information, and edit description of the uploaded objects. Once user is done, he/she can press send/save button 712 to save/send settings to website/server via set-top box, PC or other access device (Novak: Figures 7-8; Paragraph 0062-0064, 0067). The end user 152 at second location, can access Joe's TV channel (i.e. channel with media programs uploaded from said individual at first location) in similar fashion as regular television programming (Novak: Paragraph 0069). The result of end user receiving media objects, which were uploaded by an individual at first location reads on claimed limitation "communicating at least a portion of said available media from said first geographic location to said second geographic location."

The Appellant points out that based on Novak's teaching, even assuming that Sampsell's ERG view could be used by Novak, Novak still does not disclose or suggest that the available media detected **at the different storage locations at the first geographical location** (the location of the upload source) would be displayed. Novak's EPG displays **only the channels and content** without showing where the detected media is stored (i.e., the respective available media location). In this regard, the Appellant maintains that the combination of Sampsell and Novak does not disclose or suggest that the EPG (the alleged "display view at the first geographical location") displays "available media at a plurality of locations of the media objects at the first geographical location," as recited in Applicant's claim 1.

The Examiner states the following response (see Examiner's Answer in pages 12- 13):

"Appellant argues "Novak does not disclose that the media objects (the alleged "available media") are communicated (unicasting or multicasting) to the end user at TV 154 location (the alleged "second geographical location"). Instead, Novak discloses that the media objects (the alleged "available media") are communicated (unicasting or multicasting) to the end user at TV 154 location (the alleged "second geographical location") from the web site server 124 or 224, which is at a different location than the upload source 122 or 222 (the alleged "first geographical location"), as stated in appeal brief pages 18-19.

The examiner agrees with appellant's remark with respect to media objects received by end user from website/server and not directly from upload source 122 or 222 (i.e. first geographical location). However, the examiner would like to point out present claim language, which fails to limit claim specific to a direct communication between first and second location and therefore, is open to broader interpretation. Wherein, media objects are communicated to end users at TV 154 via website/server reads on claimed limitations..."

The Examiner's argument that Appellant's "present claim language, which fails to limit claim specific to a direct communication between first and second location and therefore, is open to broader interpretation" is still deficient. For example, Novak (see Fig. 2) clearly discloses that the uploaded media objects (the alleged "available media"), are uploaded from the upload source 122 or 222 (the alleged "first geographical location") **and stored in a web site server** 124 or 224. Novak (see ¶0060) also discloses that the media program (the alleged "available media"), are either unicasted or multicasted via the website 124 to the subscriber location at TV 154 (the alleged 'second geographical location"). In

other words, whether directly or indirectly, **Novak still discloses that the media objects are communicated only from the storage of the web server, which is not the first geographical location** (the upload source 122 or 222).

Based on the foregoing rationale, the Appellant maintains that the combination of Sampsell and Novak does not disclose or suggest "communicating at least a portion of said available media from said first geographic location to said second geographic location," as recited in Appellant's claim 1.

I-C. Dependent Claims 6, 16 and 26

The Appellant stands by the argument made in the corresponding section of the Appeal Brief. The Examiner's Answer (see page14) states the following:

"Appellant argues Sampsell et al and Novak et al, the combination fails to teach claimed limitation comprising querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media.

The examiner respectfully disagrees. The combination teaches using an ERG in recognizing new A/V peripherals that have been added to the local network, integrating information identifying such peripherals, and displaying the information in such a way as to enable a user to control/view programming provided by the peripherals in similar fashion with regular programming. Wherein, **the information from peripherals and information about the regular programming is inquired by the receiver to be implemented into ERG** (Sampsell: col.2, lines 19-27; col.3, lines 7-15 and Col.9lines 52-62). Therefore, it reads on claimed limitation **querying one of a provider of media** and at least one storage device at said plurality of different storage locations for said available media."

The Appellant has reviewed the Examiner's citations (Sampsell: col.2, lines 19-27; col.3, lines 7-15 and Col.9lines 52-62), and points out that Sampsell discloses selecting programming from the ERG views that has been displayed. Sampsell does not mention any inquiry, as alleged by the Examiner. The Appellant maintains that the combination of Sampsell, Novak and Griggs does not disclose or suggest "querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media," as recited in Appellant's claims 6, 16 and 26, respectively.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-31 are in condition of allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: February 9, 2010

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